

HOUSE JOINT RESOLUTION 122

By Lamberth

A RESOLUTION proposing an amendment to Article II and Article III of the Constitution of Tennessee, relative to the exercise of the powers and duties of the Governor during disability.

WHEREAS, the welfare and stability of the State are best served if a qualified person with governmental experience is immediately available to assume the powers and duties of the office of Governor when the Governor is unable to do so; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article III, Section 12 of the Constitution of Tennessee be amended by adding the following language immediately following the current language in the Section:

Whenever the Governor transmits to the Secretary of State, the Speaker of the Senate, and the Speaker of the House of Representatives, a written declaration that the Governor is unable to discharge the powers and duties of the office, the powers and duties of the office of Governor shall be temporarily discharged by the Speaker of the Senate as Acting Governor, or if that office is unoccupied, then by the Speaker of the House of Representatives as Acting Governor, until the Governor transmits to the same officials a written declaration that the Governor is able to discharge the powers and duties of the office.

Whenever a majority of the chief executive officers of the administrative departments of the Executive Department transmits to the Secretary of State, the Speaker of the Senate, and the Speaker of the House of Representatives their written

declaration that the Governor is unable to discharge the powers and duties of the office, the Speaker of the Senate shall immediately assume the powers and duties of the office as Acting Governor, or if that office is unoccupied, then the Speaker of the House of Representatives shall immediately assume the powers and duties of the office as Acting Governor.

Thereafter, when the Governor transmits to the Speaker of the Senate and the Speaker of the House of Representatives the Governor's written declaration that no inability to discharge the powers and duties of the office exists, the Governor shall resume the powers and duties of the office unless a majority of the chief executive officers of the administrative departments of the Executive Department transmits within four days to the Secretary of State, the Speaker of the Senate, and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of the office.

Thereupon the General Assembly shall meet to decide the issue, assembling within seven days for that purpose if not in session, and until the issue is decided, the powers and duties of the office of Governor shall be discharged by the Speaker of the Senate as Acting Governor, or if that office is unoccupied, then by the Speaker of the House of Representatives as Acting Governor. If the General Assembly, within twenty-one days after receipt of the latter written declaration, or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to assemble, determines by two-thirds vote of both Houses that the Governor is unable to discharge the powers and duties of the office, the Speaker of the Senate shall continue to discharge the same as Acting Governor, or if that office is unoccupied, then the Speaker of the House of Representatives shall continue to discharge the same as Acting Governor; otherwise, the Governor shall resume the powers and duties of the office.

Whenever a Speaker is temporarily discharging the powers and duties of the office of Governor as Acting Governor, such Speaker shall not be required to resign the Speaker's position as the Speaker or to resign as a member of the general assembly

and shall retain the Speaker's salary and not receive the Governor's salary, but such Speaker shall not preside as Speaker or vote as a member of the general assembly during the time the Speaker is Acting Governor.

BE IT FURTHER RESOLVED, that it is proposed that Article III, Section 13 of the Constitution of Tennessee be amended by adding the following language immediately before the period at the end of the Section:

except as provided in Article III, Section 12 with regard to the Speaker of the Senate or the Speaker of the House of Representatives temporarily discharging the powers and duties of the office of Governor as Acting Governor

BE IT FURTHER RESOLVED, that it is proposed that Article II, Section 26 of the Constitution of Tennessee be amended by adding the following language at the end of the Section:

This section shall not apply with regard to the Speaker of the Senate or the Speaker of the House of Representatives temporarily discharging the powers and duties of the office of Governor as Acting Governor under Article III, Section 12.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Twelfth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of the State of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the House of Representatives is directed to deliver a copy of this resolution to the Secretary of State.